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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,227	05/06/2002	Luis Arcos-Rodriguez	03869.105717	6186

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King & Spalding LLP  
401 Congress Avenue  
Suite 3200  
Austin, TX 78701

EXAMINER
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ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

NOTIFICATION DATE	DELIVERY MODE
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06/30/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AustinUSPTO@kslaw.com  
AustinIP@kslaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/031,227	<b>Applicant(s)</b> ARCOS-RODRIGUEZ ET AL.	
	<b>Examiner</b> MICHAEL ROSWELL	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action is in response to the amendment to the claims filed 9 April 2010.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (US Patent 6,011,537), in view of Landsman et al (US Patent 6,687,737), hereinafter Landsman.

Regarding claim 1, Slotznick teaches receiving a plurality of data configured for simultaneous display from an information source (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52, wherein the primary and secondary data are displayed simultaneously, at col. 4, lines 49-51), prior to displaying the received data, separating the received data into a plurality of elements (taught as the downloading of a "page" of data containing both primary and secondary data, at col. 8, lines 44-52, the primary and secondary data being separated into distinct virtual pages [the primary data is displayed as the secondary is held in memory, at col. 9, lines 22-27) , displaying a first element of the plurality of elements, detecting a trigger at a controller, and based on the detecting of the trigger, switching from displaying the first element to displaying a second element from the plurality of elements (taught as the display of only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-36, further taught as the separation of primary and secondary data into different full-display pages upon user actuation, at col. 4, lines 42-62). Slotznick

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further teaches the separation of primary and secondary data at col. 3, lines 38-41, stating “data that could be classified as secondary information is generally ... downloaded in the foreground as a separate page of primary information”, therefore separating the primary and secondary data.

Slotznick fails to explicitly teach wherein responsive to switching from displaying the first element to displaying the second element, starting a timer having a preset duration, and responsive to starting the timer, automatically preventing switching from displaying the second element back to displaying the first element for the preset duration of the timer.

Landsman teaches a method for displaying secondary information in an interstitial interval, similar to that of Slotznick. Furthermore, Landsman teaches wherein responsive to switching from displaying the first element to displaying the second element, starting a timer having a preset duration, and responsive to starting the timer, automatically preventing switching from displaying the second element back to displaying the first element for the preset duration of the timer (taught as the display of an advertisement [second element] during switching from a first element, at col. 31, lines 29-33, and subsequently displaying the advertisement for the full duration as specified in an AdDescriptor file, at col. 32, lines 13-22).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Slotznick and Landsman before him at the time the invention was made to modify the information display system of Slotznick to include the timer-based display of Landsman. One would have been motivated to make such a combination for the advantage of allowing an advertiser to display the full amount of advertising content to a user.

Regarding claim 3, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 4, Slotznick teaches the trigger comprising an elapse of a predetermined time period, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 5, Slotznick teaches the trigger comprising a state of a terminal associated with the screen, taught as the change of state inherently present in a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Regarding claim 6, Slotznick teaches the trigger comprising a key actuation or an actuation of the screen, as taught at col. 9, lines 30-36.

Regarding claim 8, Slotznick teaches a screen and control unit coupled to the screen, wherein the control unit is configured to: receive a plurality of data configured for simultaneous display from an information source, prior to displaying the received data, separating the received data into a first element and a second element, display the first element, detect a trigger, and based at least on the detected trigger, switch from displaying the first element to displaying the second element (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52, wherein the primary and secondary data are displayed simultaneously, at col. 4, lines 49-51, the display of only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-30, further taught as the separation of primary and secondary data into different full-display pages upon user actuation, at col. 4, lines 42'-62).

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Slotznick further teaches the separation of primary and secondary data at col. 3, lines 38-41, stating “data that could be classified as secondary information is generally ... downloaded in the foreground as a separate page of primary information”, therefore separating the primary and secondary data.

Slotznick fails to explicitly teach wherein responsive to switching from displaying the first element to displaying the second element, starting a timer having a preset duration, and responsive to starting the timer, automatically preventing switching from displaying the second element back to displaying the first element for the preset duration of the timer.

Landsman teaches a method for displaying secondary information in an interstitial interval, similar to that of Slotznick. Furthermore, Landsman teaches wherein responsive to switching from displaying the first element to displaying the second element, starting a timer having a preset duration, and responsive to starting the timer, automatically preventing switching from displaying the second element back to displaying the first element for the preset duration of the timer (taught as the display of an advertisement [second element] during switching from a first element, at col. 31, lines 29-33, and subsequently displaying the advertisement for the full duration as specified in an AdDescriptor file, at col. 32, lines 13-22).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Slotznick and Landsman before him at the time the invention was made to modify the information display system of Slotznick to include the timer-based display of Landsman. One would have been motivated to make such a combination for the advantage of allowing an advertiser to display the full amount of advertising content to a user.

Regarding claim 9, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 10, Slotznick teaches a timer configured to output a time base signal to the control unit when a predetermined time period has elapsed, and wherein the control unit is configured to change a display of the first element to a display of the second element or change a display of the second element to a display of the first element, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 11, Slotznick teaches a key sensor configured for detecting actuation of a key associated with the terminal, and wherein the control unit is configured to change a display of the first element to a display of the second element or change a display of the second element to a display of the first element when a change of the position of the terminal is detected, taught as a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick in view of Landsman, and further in view of Barkan et al (US Patent 5,656,804), hereinafter Barkan.

Slotznick and Landsman teach a terminal capable of receiving first and second elements of the same display page, separating the elements, and displaying them at separate times. Furthermore, Slotznick and Landsman teach changing from the display of the first element to

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the display of the second element and vice versa in response to a user command or a change in state.

Slotznick and Landsman fail to explicitly teach a position sensor configured for detecting a change in the position of the terminal, and wherein the control unit is configured to change a display of the first element to a display of the second element or change a display of the second element to a display of the first element when a change of the position of the terminal is detected.

Barkan teaches an apparatus for sensing the motion of a portable terminal. Slotznick at col. 6, lines 42-53 teaches the use of portable devices for the display of primary and secondary information. Further, Barkan teaches the carrying out of a command in relation to a change in position of a portable terminal, at col. 4, lines 58-67 through col. 5, lines 1-5.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Slotznick, Landsman and Barkan before him at the time the invention was made to modify the user commands for changing a displayed element of Slotznick and Landsman to include the orientation-dependent function execution of Barkan, in order to obtain a system where switching between a first and second displayed element is based on the position of a portable terminal.

One would have been motivated to make such a combination for the advantage of quickly switching from one displayed element to another without the use of interface buttons or other inputs to provide switching convenience to a user. See Barkan, col. 3, lines 58-61.

### ***Response to Arguments***

Applicant's arguments filed 9 April 2010 have been fully considered but they are not persuasive.



Applicant argues that the Landsman reference fails to teach “receiving a plurality of data configured for simultaneous display from an information source and then sequentially displaying one element of that data before switching to a display of a second element.”. The examiner notes that the Slotznick reference, not Landsman, has been relied upon to teach such limitations. Slotznick discloses that at column 6, lines 28-32 that “the apparatus accesses and downloads the information in the form of pages”, that the pages “contain both primary and secondary data” at col. 8, lines 51-52, and that “a display controller causes the primary information to be displayed simultaneously with a portion of the secondary information on the user’s display”, at col. 4, lines 49-51. Thus, Slotznick anticipates the receiving of a plurality of data (i.e. primary and secondary data) configured for simultaneous display from an information source. Furthermore, Slotznick at col. 9, lines 24-37 teach the display of “the primary data as a virtual page while the secondary data (or much of it) is held in memory without being displayed”, and that “a secondary data virtual page is accessed in a similar manner as a page is accessed. The user activates an object or device...or issues a command, which is linked to the memory cache or a portion of the memory cache. The requested virtual page will be displayed as if it were a page that had been accessed from a dedicated server via an extremely fast and broad bandwidth connection.” Thus, Slotznick anticipates the claimed “based at least on the detecting of the trigger, switching from displaying the first element to displaying a second element from the plurality of elements”, as a physical user actuation results in the display of secondary information as “a complete page” (col. 9, lines 22-24).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROSWELL whose telephone number is (571)272-4055. The examiner can normally be reached on 9:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/  
Primary Examiner, Art Unit 2173

Michael Roswell 6/25/2010

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